

**Proposed Opotiki District Plan
Summary of Decisions Requested**

Submitter No.	Submission Point	Submitter Name	Provision No.	Topic	Support / Amend / Oppose	Decision Requested (Relief Sought)	Further submitter no.	Further submission point no.	Submitter Name	Support/Oppose	Decision Requested (Relief Sought)
39	39.3	Transpower NZ Ltd Pauline Whitney	1.3	Other Agencies	Oppose	(i) Insert reference to National Environmental Standards, as follows: <i>1.3.3. National environmental standards are regulations issued under section 43 of the Resource Management Act and apply nationally. The standards are technical standards in the form of regulations with regard to the use, development and protection of natural and physical resources. Every local authority and consent authority must observe national environmental standards.</i>					
39	39.2	Transpower NZ Ltd Pauline Whitney	1.3.2.2	Other Agencies	Support in part	(j) Retain the reference to the NPS on Electricity Transmission but amend to specifically refer to the National Grid, as follows: <i>NPS on Electricity Transmission 2008 sets out the objective and policies for managing the National Grid under the RMA. The NPS facilitates the operation, maintenance, and upgrading of the existing transmission network, and the establishment of new transmission resources.</i>					
18	18.30	Heritage NZCarolyn McAlley	1.4	Iwi-Maori	Support in part	That the information in Section 1.4 is retained and moved into a separate section relating to the consideration of Maori values.					
17	17.95	Bay of Plenty Regional Council Fiona McTavish	1.4.1	Iwi-Maori	Support / Amend	Retain the list of Iwi in 1.4.1					
17	17.97	Bay of Plenty Regional Council Fiona McTavish	1.4.3	Iwi-Maori	Support / Amend	Amend 1.4.3 to read: <i>The Council intends to work through in accordance with the principles of the Treaty of Waitangi, with iwi and hapū to define their meaning in the local context for resource management matters. Appropriate identify processes for each iwi and/or hapū require development to ensure recognition of, or provision for:</i> <i>1. The relationship of Māori and their culture and traditions with their ancestral Māori-lands land, water sites, waahi tapu and other taonga...</i> <i>3. Protection of sites, waahi tapu, ancestral taonga areas -or and features of historic, spiritual or cultural significance to tangata whenua Māori, waahi tapu, and ancestral taonga...</i> <i>7. The role of Māori in resource allocation and management.</i>	FS18 FS19	FS18.1 FS19.1	Heritage NZ Horticulture NZ	Support Support in part	Accept submission point Accept submission to amend as sought
32	32.7	Ngai Tama Tim Selwyn	1.4.3.9	Iwi-Maori	Amend	Should state Tawharau is Whakatohea's RM plan. Should have full list of all hapu in ODC area and their planning docs.					
17	17.98	Bay of Plenty Regional Council Fiona McTavish	1.4.4	Iwi-Maori	Support	Retain 1.4.4 as notified					

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17	17.96	Bay of Plenty Regional Council Fiona McTavish	1.4.5	Iwi-Maori	Support / Amend	Amend 1.4.5 to read: <i>The Council will develop a working relationship with iwi and hapū of the District so as to obtain a mutual respect between the tangata whenua, the Council and the community at large; and to fulfil its responsibilities under the RMA.</i> <i>As part of these working relationships Council will maintain a list of iwi and hapū contact details for RMA purposes.</i>					
11	11.18	Horticulture NZ Angela Halliday	1.5.2	Issues	Oppose in part	Add a new issue: 1.5.2 (15) Biosecurity incursions of unwanted organisms have the potential to have significant impacts in the district. Council has a role in ensuring that incursions of unwanted organisms under the Biosecurity Act are able to be responded to by avoiding regulatory barriers, such as burial or removal of infected plants or animals.	FS3	FS3.9	Bay of Plenty Regional Council	Support	Accept submission point
11	11.17	Horticulture NZ Angela Halliday	1.5.2.6	Issues	Oppose in part	Amend 1.5.2 (6) Enabling activities which will provide employment, including industrial land and provision of seasonal worker accommodation including co-location with horticulture post harvest facilities.					
8	8.8	Eastern Bay of Plenty - Forest and Bird Linda Conning	1.5.2.7	Issues	Amend	Delete item 7					
11	11.16	Horticulture NZ Angela Halliday	1.5.2.9	Issues	Oppose in part	Retain Issue 1.5.2 (9) Managing activities in the rural environment to avoid reverse sensitivity effects.	FS3	FS3.63	Bay of Plenty Regional Council	Support	Accept submission point
11	11.15	Horticulture NZ Angela Halliday	1.5.2.10	Issues	Oppose in part	Amend Issue 1.5.2 (10) as follows: Maintaining, and enabling the use of, the district's rural land resource for rural production activities, including versatile land.					
39	39.4	Transpower NZ Ltd Pauline Whitney	1.5.2.14	Issues	Support in part	(i) Amend clause 14. as follows: <i>14. Protecting and providing for regionally significant infrastructure, including the land transport network.</i>					
18	18.31	Heritage NZ Carolyn McAlley	1.5.12	Issues	Support	That the Issue 12 "Maintaining the Heritage Values of the Town Centre" is retained.					
15	15.1	Whakatōhea Mussels Opotiki Limited John Wilson	1.6.3	Zoning	Amend	The Marine Services Zone enables the development of the Opotiki Harbour to provide marine services and service recreational fishing charters, tourism operators, and recreational users. The Marine Services Zone provides for marina services related to marina structures and activities together with accommodation providers, restaurants and shops. Aquaculture servicing and processing industries are provided for in the Harbour Industrial Zone except where these activities complement and do not conflict with marine services.					
8	8.9	Eastern Bay of Plenty - Forest and Bird Linda Conning	1.6.3.4	Zoning	Amend	Delete the last sentence	FS10	FS10.1	Whakatōhea Mussels (Opotiki Limited)	Oppose	Reject submission point
17	17.99	Bay of Plenty Regional Council Fiona McTavish	1.6.3.4	Zoning	Support	Retain zone descriptions in Section 1.6.3.4 and 1.6.3.7 subject to specific submission points relating to these zones.					
11	11.20	Horticulture NZ Angela Halliday	1.6.3.5	Zoning	Support in Part	Amend 1.6.3 (5) Chapter 6 Industrial Zone There are work parts to the Industrial Zone in the Opotiki urban area. Industrial activities benefit from lower amenity standards and good transport links. <u>There is also the ability to co-locate seasonal worker accommodation with horticulture post harvest facilities.</u>					
8	8.10	Eastern Bay of Plenty - Forest and Bird Linda Conning	1.6.3.7	Zoning	Amend	Forestry should be included as it is a permitted activity in the zone.					
17	17.100	Bay of Plenty Regional Council Fiona McTavish	1.6.3.7	Zoning	Support	Retain zone descriptions in Section 1.6.3.4 and 1.6.3.7 subject to specific submission points relating to these zones.					

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8	8.11	Eastern Bay of Plenty - Forest and Bird Linda Conning	1.6.3.9	Zoning	Amend	The zone name should be consistent as either Coastal Residential or Coastal Settlement	FS3 FS19	FS3.111 FS19.91	Bay of Plenty Regional Council Horticulture NZ	Oppose Oppose	Reject submission point Reject submission point
11	11.19	Horticulture NZ Angela Halliday	1.6.8	Zoning	Support in Part	Amend 1.6 (8) Chapter 9 Coastal Zone The Coastal Zone applies to the land identified in the RPS as the Coastal Environment with a focus on retaining and enhancing the identified outstanding natural features and landscapes and the natural character areas of the coastal environment identified in the RPS, with some rural production activities occur within the Coastal Zone.	FS3	FS3.19	Bay of Plenty Regional Council	Oppose	Reject submission point
10	10.1	Hancock Forest Management Sally Strang	1.7	Status	Neutral	Include a provision to provide for activities that would otherwise be permitted but do not meet all of the zone standards, as a controlled activity with control restricted to effects associated with the specific zone standard that cannot be complied with	FS19	FS19.2	Horticulture NZ	Support	Accept submission point
24	24.19	Opotiki District Council Aileen Lawrie	1.7.1	Status	Amend	Move the words "To establishthey have less impact" from 1.7.1 to between 1.10.1 and 1.10.2 as a new section with minor rewording as appropriate					
25	25.1	Waiairiki Executive Tribal Authority Peter Helbright	1.8.1	Designation	Amend	To add Waiairiki Executive Tribal Council with Uaterangi Tribal Estate or <u>requiring authority</u> .					
25	25.2	Waiairiki Executive Tribal Authority Peter Helbright	1.8.2	Designation	Amend	To add Waiairiki Executive Tribal Council with Uaterangi Tribal Estate.					
39	39.5	Transpower NZ Ltd Pauline Whitney	1.9.1	Infrastructure	Support	(i) Retain paragraphs 1.9.1 and 1.9.2					
8	8.12	Eastern Bay of Plenty - Forest and Bird Linda Conning	1.9.2	Infrastructure	Amend	Amend 17.5 to add criteria for earthworks in the Coastal Zone as identified in 1.9.2.	FS4	FS4.1	Transpower NZ Ltd	Oppose	Reject submission point
39	39.6	Transpower NZ Ltd Pauline Whitney	1.9.2	Infrastructure	Support	(i) Retain paragraphs 1.9.1 and 1.9.2					
57	57.1	Toi Te Ora - Public Health Service Sally Webb	1.11	Criteria	Support / Amend	Include 'water supply' in the list of what Council will have regard to when assessing subdivision activities.	FS19	FS19.3	Horticulture NZ	Support	Accept submission point
11	11.21	Horticulture NZ Angela Halliday	1.11	Criteria	Support in Part	Amend 1.11.3 (2) by adding, including the potential for reverse sensitivity effects.					
36	36.1	First Gas Limited Hywel Edwards	1.11.3	Criteria	Support / Amend	Add an additional matter to those listed under Chapter 1.11.3. <i>20. Effects on the ability to access, operate, maintain and upgrade Regionally Significant Infrastructure.</i>					

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50	50.16	Z Energy Limited Karen Blair	1.11.3	Criteria	Support	Retain as notified					
18	18.33	Heritage NZ Carolyn McAlley	1.11.3.5	Criteria	Support in part	That "historic heritage, archaeological and cultural resources" are retained as a matter for consideration for discretionary activities and the statement is amended to include the scope of Historic heritage, archaeological and cultural resources to be considered.					
24	24.20	Opotiki District Council Aileen Lawrie	1.11.3.17	Criteria	Amend	Change the words ' <i>indigenous fauna historic heritage</i> ' to ' <i>indigenous fauna and historic heritage</i> '					
39	39.7	Transpower NZ Ltd Pauline Whitney	1.11.3.19	Criteria	Support	(j) Retain Clause 19.					
18	18.34	Heritage NZ Carolyn McAlley	1.11.4.4	Criteria	Support in part	That provision 1.11.4.4 is retained and amended as follows : <i>The protection or maintenance of buildings or structures, places and sites of historic heritage value</i> "					
36	36.2	First Gas Limited Hywel Edwards	1.11.4.16	Criteria	Support	Retain 1.11.4.16					
18	18.35	Heritage NZ Carolyn McAlley	1.15	EER	Oppose	That provision 1.15- Expected Environmental Results, is amended to include an Expected Environmental Result for Iwi-Maori of the Opotiki District.	FS3	FS3.64	Bay of Plenty Regional Council	Support	Accept submission point
11	11.22	Horticulture NZ Angela Halliday	1.15.2	EER	Support in Part	Amend 1.15.2 by adding an additional EER: Land is able to be used for rural production activities to support the social, cultural and economic wellbeing of the district.					
18	18.36	Heritage NZ Carolyn McAlley	1.15.2	EER	Support in part	That the provision 1.16.2.E Expected Environmental Result is retained and amended as follows: <i>Recognition, protection and enhancement conservation of historic heritage and cultural sites, and increased awareness of the responsibility for the management and protection of these resources.</i>					
57	57.2	Toi Te Ora - Public Health Service Sally Webb	1.15.2	EER	Support / Amend	Amend point K to read: the impacts of climate change are mitigated, managed and adapted to.	FS3	FS3.65	Bay of Plenty Regional Council	Support	Accept submission point
17	17.101	Bay of Plenty Regional Council Fiona McTavish	1.16	Heading	Support / Amend	Amend 1.16 title to read: <i>INFORMATION REQUIRED IN FOR CONSENT RELATION APPLICATIONS</i>					
57	57.3	Toi Te Ora - Public Health Service Sally Webb	1.16	Information Required	Support / Amend	Retain					
17	17.102	Bay of Plenty Regional Council Fiona McTavish	1.16.2	Information Required	Support / Amend	Amend 1.16.2(i) to read: <i>An assessment of effects on the environment and the activity against the matters set out in Part 2 of the RMA and any relevant national, regional or district planning document, as stated in the Fourth Schedule 4 of the RMA.</i>	FS18	FS18.2	Heritage NZ	Support	Accept submission point
17	17.103	Bay of Plenty Regional Council Fiona McTavish	1.16.2	Information Required	Support / Amend	Insert a new information requirement (xii): <i>An assessment against the National Environmental Standards (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health where there has been a history of agricultural, horticultural or other use that may have resulted in Contaminated Land.</i>	FS19	FS19.4	Horticulture NZ	Support in part	Amend wording sought by the submitters to: An assessment against the NES for assessing and managing contaminants in soil to protect human health when the NES applies to the activity being undertaken

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18	18.32	Heritage NZ Carolyn McAlley	1.16.2	Information Required	Support in part	That provision 1.16.2 (v111) is retained and amended to clarify the nature of the heritage sites that are to be considered for assessment					
24	24.21	Opotiki District Council Aileen Lawrie	1.16.2	Information Required	Amend	Add: "A current Certificate of Title for all subdivision applications"					
42	42.2	Rayonier Matariki Forests Steve Chandler	1.16.2	Information Required	Oppose	Align harvest plan notification to the proposed NES for plantation forestry which is 20 working day minimum notification for harvest plans or annually upon agreement in 1.16.2(x).					
50	50.21	Z Energy Limited Karen Blair	1.16.2	Information Required	Amend	Amend the written information requirements of 1.16.2(vii) to remove references to the control of transportation of hazardous substances. This can be achieved by making the following changes: <i>The type, volume and nature of any hazardous substances to be stored, use of, or disposed of, or transported off-site at or from the site. The facilities where the substances are to be stored and/or used, the volume and frequency and route for transporting of the substances to the site, procedures for transferring, handling, and disposing of the substances, and procedures for containing any spillages of the substances on the site.</i>					
57	57.4	Toi Te Ora - Public Health Service Sally Webb	1.16.2	Information Required	Support / Amend	Retain 1.16.2 (vi) a written analysis of any actual or potential effects that the activity may have on the environment, and the ways that these effects may be avoided, remedied, or mitigated.					
50	50.17	Z Energy Limited Karen Blair	1.16.3	Information Required	Support	Retain as notified					
57	57.5	Toi Te Ora - Public Health Service Sally Webb	1.16.3	Information Required	Support / Amend	Add a requirement for the assessment of effects from activities in the mixed activity zone to include noise.					
24	24.22	Opotiki District Council Aileen Lawrie	1.16.4	Information Required	Amend	Delete reference to certificate of title from 1.16.4(ii)					

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Planners Recommendation
<p>Accept. Amend to insert the following: The District Plan must give effect to National Environmental Standards and are regulations under section 43 of the Resource Management Act and apply nationally. The standards are technical standards in the form of regulations with regard to the use, development and protection of natural and physical resources. Every local authority and consent authority must observe national environmental standards. The following is a list of the current standards:</p> <ol style="list-style-type: none"> 1. National Environmental Standards for Air Quality; 2. National Environmental Standard for Sources of Drinking Water; 3. National Environmental Standards for Telecommunication Facilities; 4. National Environmental Standards for Electricity Transmission Activities; 5. National Environmental Standards for Managing Contaminants in Soil to Protect Human Health. (Submission point number 39.3)
<p>Accept amend as requested.</p>
<p>Accept in part - support for the provisions is noted, however reject the request for a separate section for iwi Māori values. The structure of the plan is such that these matters are included in the individual chapters so as not to be missed. No amendments recommended.</p>
<p>Accept support is noted.</p>
<p>Accept. Amend 1.4.3 as outlined in the submission point.</p>
<p>Accept in part - amend 1.4.1 to include the hapū of each iwi.</p>
<p>Accept - note amendments have been made as a consequence of other submission points.</p>

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Planners Recommendation
Accept - amend 1.4.5 as requested in the submission.
Accept in part, Biosecurity is an issue that requires appropriate management and the appropriate rule framework to support safe practices. However this issue sits best within the chapter which provides the framework. Recommend including the proposed issue statement in Chapter 8 - Rural Zone.
Accept in part. This issue is considered appropriate for the District and is best located within the zone to which the rule framework would apply. Recommend including the proposed issue statement in Chapter 6 - Industrial
Accept
Accept support is noted.
Accept amend 1.5.2.10 as requested.
Accept amend 1.5.2.14 as requested.
Accept support is noted.
Reject amendment requested. Harbour Industrial activities are still being provided for within the Harbour industrial zone. It is important to separate these activities out from commercial recreation activities to prevent reverse sensitivity effects from occurring. No amendments are recommended.
Accept - amend 1.4.5 as requested in the submission.
Accept - support is noted
Accept
Accept
Accept - support is noted

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Planners Recommendation
Accept amend to Coastal Settlement Zone
Accept in part. As part of respospos to other submission points the extent of the coastal environment has been identified and a policy framework recommended. No amendments recommended.
Reject activities that cannot comply with certain standards are considered restricted discretionary activities. This still allows Council to turn down the activity if effects are more than minor.
Accept
Reject requiring authorites must be approved under the Resource Management Act. The process is to apply to the Mnister for the Environment for approval to become a requiring authority.
Reject requiring authorites must be approved under the Resource Management Act. The process is to apply to the Mnister for the Environment for approval to become a requiring authority.
Accept support is noted.
Accept in part - this submission point will be dealt with in the coastal zone chapter.
Accept support is noted.
Accept amend as requested
Accept amend as requested.
Accept amend as requested.

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Planners Recommendation
Accept - support is noted amendments have been incorporated in response to other submission points.
Reject - providing further scope at this level is likely to be limiting.
Accept as requested
Accept support is noted.
Accept amend as requested.
Accept support is noted.
Accept; amend as follows: Tangata whenua cultural, spiritual and archaeological values are provided for.
Accept; amend as requested.
Accept; amend as requested.
Accept; amend as requested.
Accept amend as requested
Accept support is noted.
Accept amend as requested.
Accept amend as requested.

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Planners Recommendation
Accept in part support is noted. The puprose of the requirement is to ensure any heritage values are considered not just limited to built heritage features.
Accept amend as requested.
Accept amend as requested.
Accept in part. It is recommended that this point is removed as the RMA Amendment Act 2017 has removed the management of hazardous substances from the RMA.
Accept, support is noted.
Accept, support is noted.
Accept amend as requested.
Accept amend as requested.